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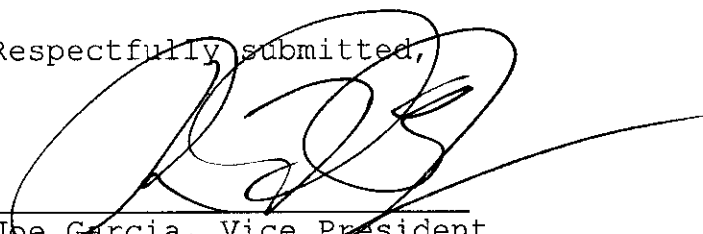
September 17, 2003

Ms. Marlene Dortch
Office of the Secretary
Federal Communications Commission
Portals II, Filing Counter, TW-A235
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Ms. Dortch:

Submitted on behalf of Elgin FM Limited Partnership, licensee of FM Broadcast Station KEXX, Llano, Texas, are an original and four (4) copies of a Petition for Rule Making requesting a downgrade and re-allotment of the KEXX Channel to Sunrise Beach, Texas. Any questions concerning this matter should be addressed the undersigned below.

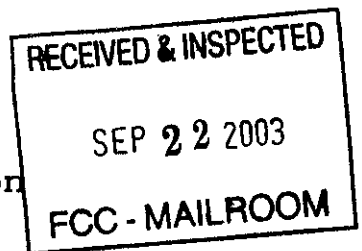
Respectfully submitted,


Joe Garcia, Vice President
Elgin FM Limited Partnership
7524 North Lamar, Suite 200
Austin, Texas 78752
(512) 453-1491 (tele)
(512) 458-0700 (fax)

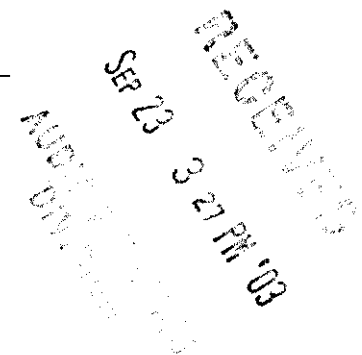
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MD 03-314

Before the
Federal Communications Commission
Washington, D.C. 20554



In the Matter of)
)
Amendment of 73.202 (b)) MB Docket No. _____
Table of Allotments)
FM Broadcast Stations)
(Llano and Sunrise Beach)
Village, Texas)



To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau

PETITION FOR RULE MAKING

Elgin FM Limited Partnership, licensee of FM Broadcast
Station KEXX, Channel 293C3, Llano, Texas, pursuant to
Sections 1.401 and 1.420 of the Commission's Rules, hereby
request that the Table of Allotments for FM Broadcast
Stations, Section 73.202(b) of the Commission's Rules, be
amended as follows:

| | <u>Present</u> | <u>Proposed</u> |
|------------------------------|----------------|-----------------|
| Llano, Texas | 293C3 | ----- |
| Sunrise Beach Village, Texas | ----- | 293A |

Elgin FM Limited Partnership proposes to substitute
Channel 293A for Channel 293C3 at Llano, Texas and re-allot
Channel 293A to Sunrise Beach Village, Texas and modify the
license of Station KEXX to specify operation on Channel

293A at Sunrise Beach Village, Texas. Llano will continue to receive local service from Station KBAE Channel 242A and Station KITY Channel 275A. Accordingly, the Commission may modify the license of KEXX consistent with the requirements set forth in Section 1.420(i) of the Rules and its allotment policies since the allotment of Channel 293A at Sunrise Beach Village, Texas, is mutually exclusive with the current allotment of Channel 293C3 at Llano, Texas, and Llano will not be deprived of its sole aural transmission service.

Pursuant to the FM allotment priorities set forth in Revision of FM Assignment Policies and Procedures, 90 FCC2d 88(1988), since Sunrise Beach Village will receive its first local transmission service as a result of this proposed re-allotment, this results in a preferential arrangement of allotments as required by the Commission in Modification of FM and TV Authorizations to Specify a New Community of License, 4 FCC Rcd 4870 (1989), recon. Granted in part, 5 FCC Rcd 7094 (1990).

Sunrise Beach Village, Texas is an incorporated community with a population of 704 people.¹ Sunrise Beach Village has its own mayor, Paul Flemming, its own city offices, its own post office, its own zip code, 78643, its

¹ U.S. Census 2000

own police department, David L. Slavens, Chief of Police, its own volunteer fire department and a number of local churches. Sunrise Beach Village is certainly a community that is deserving of its own local station. The proposed Channel 293A will provide additional diversity and an outlet for local self-expression to Sunrise Beach Village residents and therefore is in the public interest.

In order for Channel 293A to be allotted to Sunrise Beach Village, Texas, Station KCJZ, Channel 294C at Terrell Hills, Texas must be reclassified from a C to a C0. (See, Attachment A, Request to Reclassify Statement for Station KCJZ)

Attached hereto is a channel study confirming that Channel 293A can be allocated to Sunrise Beach Village, Texas, consistent with the FCC's FM separation rules. See revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1992). (See, Attachment B)

The reference coordinates for Channel 293A at Sunrise Beach Village, Texas are:

30 33 05 N
98 32 59 W

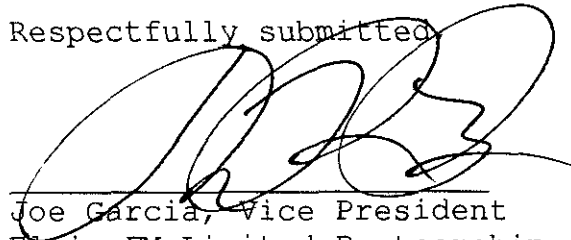
The re-allotment proposal can be implemented in full compliance with the Commission's minimum separation requirements and community of license coverage

requirements. Accordingly, Elgin FM Limited Partnership submits that the proposed FM channel reallocations would serve the public interest and the Commission is respectfully requested to issue a Notice of Proposed Rule Making to implement the instant petition.

Should this petition for rule making be adopted, Elgin FM Limited Partnership will promptly take all necessary actions to implement it and timely construct the proposed Sunrise Beach Village facilities.

The factual information provided in this Petition for Rule Making is correct and true to the best of my knowledge.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read 'JG', is written over a horizontal line.

Joe Garcia, Vice President
Elgin FM Limited Partnership
7524 North Lamar, Suite 200
Austin, Texas 78752
(512) 453-1491 (tele)
(512) 458-0700 (fax)

September 17, 2003

Attachment A

(Request to Reclassify Statement for Station KCJZ/ Terrell
Hills, Texas)

Joe Garcia
VP Elgin FM Limited Partnership
7524 North Lamar, Suite 200
Austin, Texas 78752

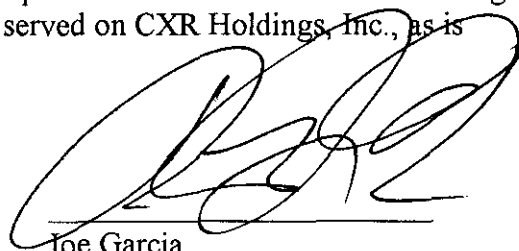
Petition for Rule Making
FM Channel 293A
Sunrise Beach Village, Texas
September 17, 2003

Attachment A

**Request to Reclassify
Station KCJZ(FM), Terrell Hills, Texas
Pursuant to MM Docket 98-93**

Radio Station KCJZ(FM), Terrell Hills, Texas is licensed to CXR Holdings, Inc., 3993 Howard Hughes Parkway, suite 250, Las Vegas, Nevada 89109, (Facility ID 70357), FCC File No. BLH 19850508KY. The facility operates with a power of 100 kilowatts with center of radiation 310 meters height above average terrain. The above captioned Docket 98-93 provides the mechanism to automatically downgrade a Class C facility to Class C0 when a demand is made for the spectrum, as is the case here. Elgin FM Limited Partnership respectfully requests that the license of Radio Station KCJZ(FM) be modified to specify operation on FM Channel 294C0 instead of on FM Channel 294C in accordance with the above Docket which provides for such downgrades when a demand for the unused spectrum is made, as is the case here.

Elgin FM Limited Partnership, the proponent of Channel 293A at Sunrise Beach Village, Texas, in accordance with the above Docket, formally requests that the Commission reclassify Radio Station KCJZ(FM) as a Class C0 facility. Elgin FM Limited Partnership certifies that no alternative channel is available for the service they proposes at Sunrise Beach Village, Texas as is proposed in the Petition for Rule Making. A copy of this Petition for Rule Making is being served on CXR Holdings, Inc., as is required in the above Docket.



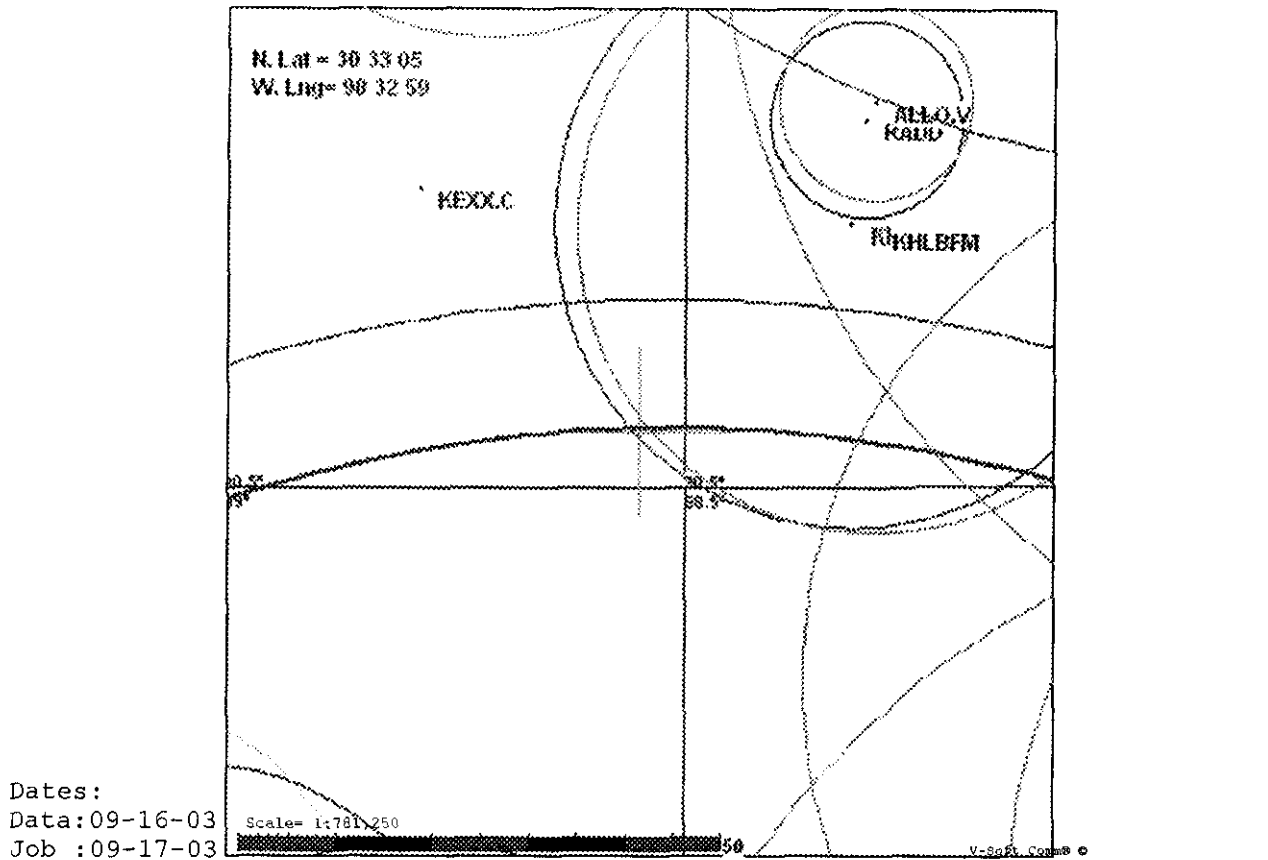
Joe Garcia
VP Elgin FM Limited Partnership
7524 North Lamar, Suite 200
Austin, Texas 78752

Attachment B

(Channel Study for Channel 293A at Sunrise Beach Village,
Texas)

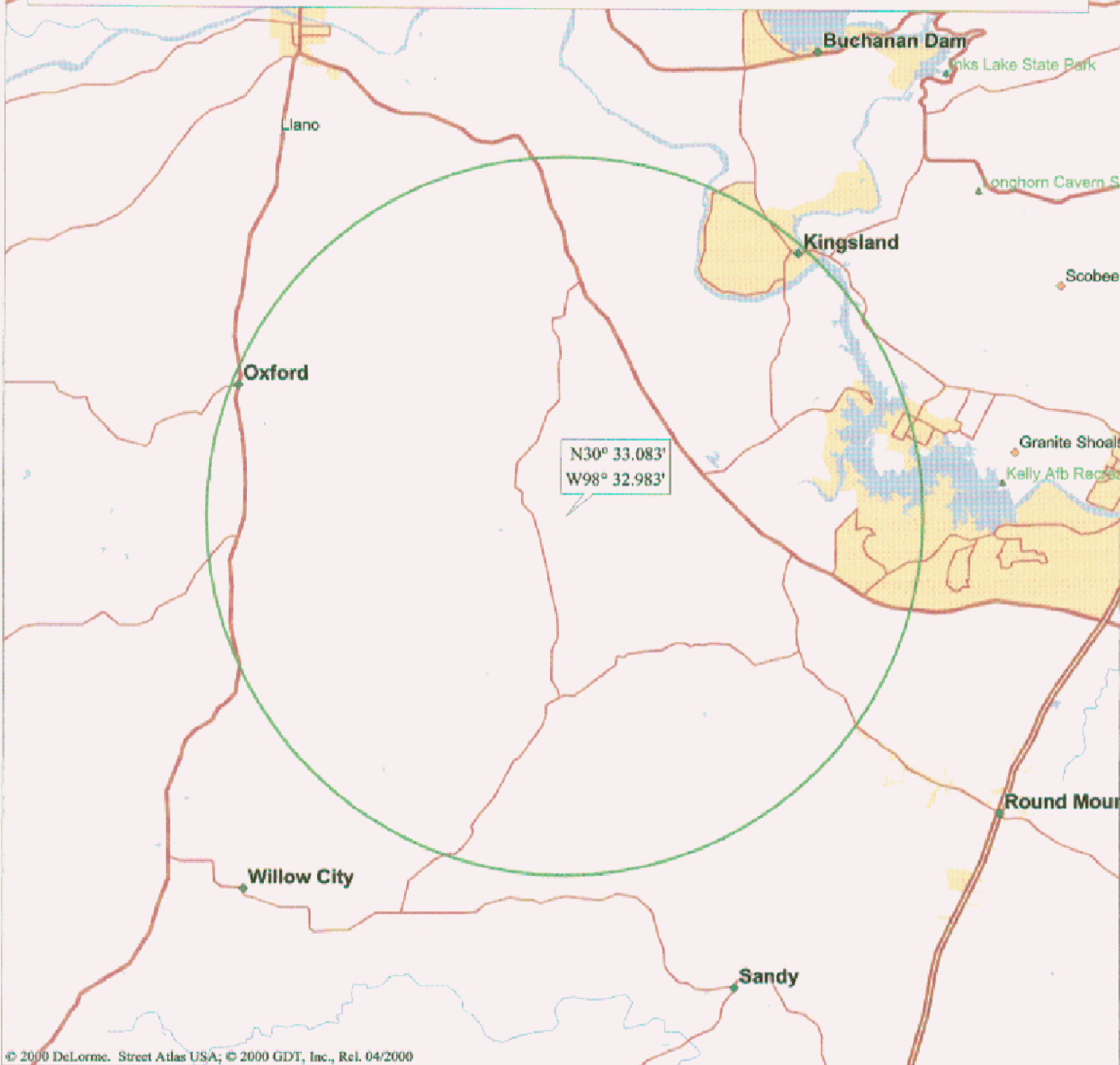
Sunrise

FM PROSP^(TM) LOCATE STUDY CH 293 A 106.5 MHz



| Call | CH# | Type | Location | | D-KM | Azi | FCC | Margin |
|--------|-------|-------|------------------|----|--------|-------|-------|---------|
| KEXX.C | 293C3 | CP | Llano | TX | 33.56 | 317.1 | 142.0 | -108.44 |
| KCJZ | 294C* | LIC | Terrell Hills | TX | 151.59 | 178.7 | 165.0 | -13.41 |
| RDEL | 294C | DEL | Terrell Hills | TX | 151.59 | 178.7 | 165.0 | -13.41 |
| RADD | 294C0 | ADD | Terrell Hills | TX | 151.59 | 178.7 | 152.0 | -0.41 |
| RADD | 294C0 | ADD | Terrell Hills | TX | 151.59 | 178.7 | 152.0 | -0.41 |
| KHLBFA | 295A | APP-Z | Burnet | TX | 30.61 | 46.3 | 31.0 | -0.39 |
| KHLBFM | 295A | LIC-Z | Burnet | TX | 32.03 | 49.9 | 31.0 | 1.03 |
| KFMK | 290C2 | LIC N | Round Rock | TX | 76.39 | 109.3 | 55.0 | 21.39 |
| KOOC | 292C3 | LIC | Belton | TX | 112.72 | 59.4 | 89.0 | 23.72 |
| RADD | 240A | ADD | Burnet | TX | 39.41 | 36.7 | 10.0 | 29.41 |
| ALLO.V | 240A | VAC | Burnet | TX | 41.36 | 36.3 | 10.0 | 31.36 |
| KQQT | 292C3 | LIC | Gonzales | TX | 127.38 | 138.6 | 89.0 | 38.38 |
| RADD | 293A | ADD | Cranfills Gap | TX | 155.77 | 25.2 | 115.0 | 40.77 |
| RDEL | 291A | DEL | San Saba | TX | 72.61 | 347.5 | 31.0 | 41.61 |
| KBALFM | 291A | LIC | San Saba | TX | 72.61 | 347.5 | 31.0 | 41.61 |
| RADD | 291A | ADD | Boerne | TX | 75.80 | 197.7 | 31.0 | 44.80 |
| ALLO.V | 292A | VAC | Junction | TX | 117.49 | 266.9 | 72.0 | 45.49 |
| RADD | 291A | ADD | Center Point | TX | 79.80 | 215.7 | 31.0 | 48.80 |
| KGSR | 296C2 | LIC N | Bastrop | TX | 104.78 | 116.9 | 55.0 | 49.78 |
| ALLO.V | 291A | VAC | Kerrville | TX | 81.59 | 225.1 | 31.0 | 50.59 |
| RDEL | 291A | DEL | Kerrville | TX | 81.59 | 225.1 | 31.0 | 50.59 |
| RADD | 291A | ADD | Richland Springs | TX | 83.51 | 341.0 | 31.0 | 52.51 |

Sunrise Beach Village, TX CH 293A 70 dBu



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Mag 11.00
Wed Sep 17 12:01 2003
Scale 1:250,000 (at center)

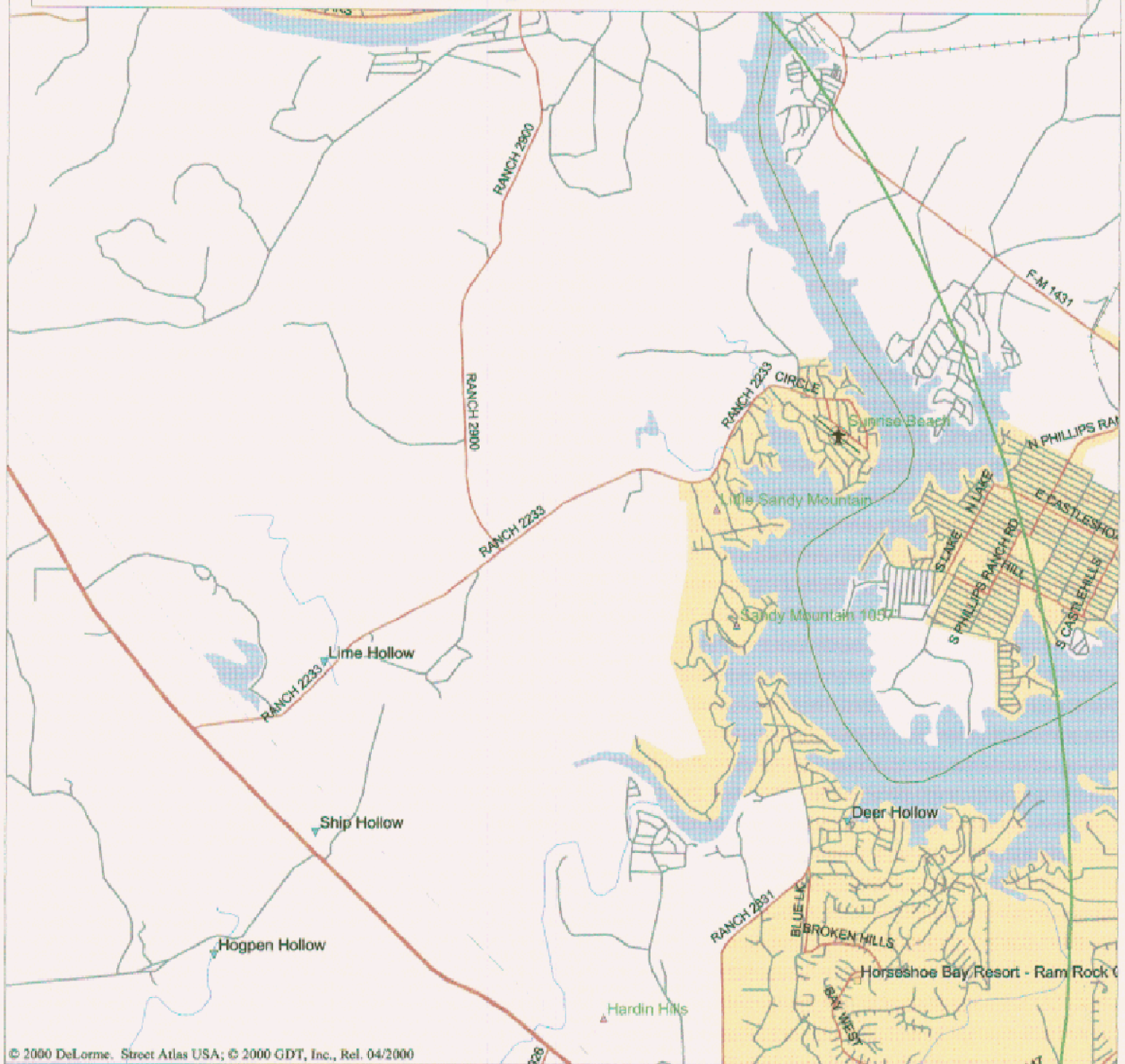
5 Miles

5 KM

- Major Connector
- State Route
- US Highway
- County Seat
- Small Town
- Park/Reservation
- Locale
- Population Center

- Land
- Water
- River/Canal

Sunrise Beach Village, TX CH 293A 70 dBu



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Mag 13.00

Wed Sep 17 12:06 2003

Scale 1:62,500 (at center)

1 Miles

2 KM

- Local Road
- Major Connector
- State Route
- Trail
- Utility/Pipe
- Railroad
- Point of Interest
- Airfield

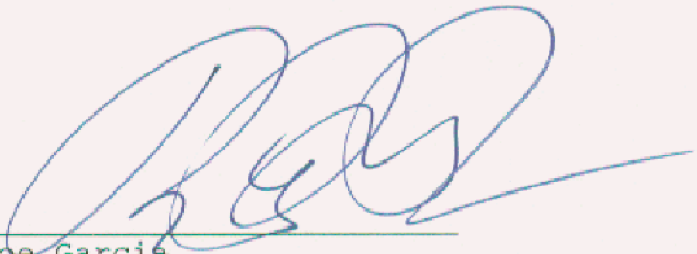
- Summit
- Geographic Feature
- Public Airport
- Cemetery
- County Boundary
- Population Center
- Land
- Water

CERTIFICATE OF SERVICE

I, Joe Garcia, Vice President of Elgin FM Limited Partnership, hereby certify that on this 17th day of September, 2003, I caused copies of the foregoing "Petition for Rule Making" to be placed in the U.S. Postal Service, first class postage prepaid, addressed to the following persons:

Mr. Marlene Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby-TW-A325
Washington, D.C. 20554

CXR Holdings, Inc.
Station KCJZ
3993 Howard Hughes Parkway
Suite 250
Las Vegas, Nevada 89109



Joe Garcia
Vice President
Elgin FM Limited Partnership